

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Neil H. Bander

Serial No.: Not yet assigned

Filed: Herewith

(CONTINUATION OF S.N. 09/357,708  
FILED JULY 20, 1999 (Atty. 242/028))

For: Treatment and Diagnosis of Cancer

Group Art Unit: Not yet assigned

Examiner: Not yet assigned



PRELIMINARY AMENDMENT

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the above-identified application as follows:

IN THE SPECIFICATION:

Please amend the specification by adding the relate-back information. Replace the first paragraph on page 1, beginning at line 3, with the following:

The PTO did not receive the following listed item(s) Transmitted

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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LA-205699.1

Felicia Reyes  
Name of Person Mailing Paper

*Felicia Reyes*  
Signature of Person Mailing Paper

This application is a Continuation Application of Application Serial No. 09/357,708, filed on July 20, 1999; which is a Divisional of Application Serial No. 08/895,914, filed on July 17, 1997; which is a continuation-in-part of U.S. Patent Application Serial No. 08/838,682, filed April 9, 1997, which claims the benefit of U.S. Provisional Patent Application Serial No. 60/016,976, filed May 6, 1996; and U.S. Provisional Patent Application Serial No. 60/022,125, filed July 18, 1996.

**IN THE CLAIMS:**

Please cancel claims 1 - 37 from the prior application.

Please add the following claims 38 - 57:

38. A method of ablating or killing non-prostate, cancerous cells comprising:  
providing an antibody or antigen binding portion thereof which, when contacted with an extracellular domain of prostate specific membrane antigen, binds to the extracellular domain of prostate specific membrane antigen; and

contacting vascular endothelial cells proximate to the non-prostate, cancerous cells with the antibody or antigen binding portion thereof under conditions effective to permit both binding of the antibody or antigen binding portion thereof to the vascular endothelial cells proximate to the non-prostate, cancerous cells and ablating or killing of the non-prostate, cancerous cells.

39. A method according to claim 38, wherein the non-prostate cancerous cells are renal cancerous cells, urothelial cancerous cells, colon cancerous cells, rectal cancerous cells, lung cancerous cells, breast cancerous cells, or cancerous cells of metastatic adenocarcinoma to the liver.

40. A method according to claim 38, wherein the antibody or antigen binding portion thereof, when contacted with an extracellular domain of prostate specific membrane antigen, is internalized with the prostate specific membrane antigen.

41. A method according to claim 38, wherein said contacting is carried out in a living mammal and comprises:

administering the antibody or antigen binding portion thereof to the mammal under conditions effective to permit both binding of the antibody or antigen binding portion thereof to vascular endothelial cells proximate to the non-prostate, cancerous cells and ablating or killing of the non-prostate, cancerous cells.

42. A method according to claim 41, wherein said administering is carried out orally, parenterally, subcutaneously, intravenously, intramuscularly, intraperitoneally, by intranasal instillation, by intracavitary or intravesical instillation, intraocularly, intraarterially, intralesionally, or by application to mucous membrane.

43. A method according to claim 38, wherein the antibody or antigen binding portion thereof is a monoclonal antibody selected from the group consisting of an E99, a J415, a J533, and a J591 monoclonal antibody or antigen binding portion thereof.

44. A method according to claim 38, wherein the antibody is a monoclonal antibody produced by a hybridoma cell line having an ATCC Accession Number selected from the group consisting of HB-12101, HB-12109, HB-12127, and HB-12126.

45. A method according to claim 38, wherein an antigen binding portion of an antibody is used in carrying out said method, the antigen binding portion being selected from the group consisting of an Fab fragment, an F(ab')<sub>2</sub> fragment, and an Fv fragment.

46. A method according to claim 38, wherein the antibody or antigen binding portion thereof is in a composition further comprising a physiologically acceptable carrier, excipient, or stabilizer.

47. A method according to claim 38, wherein the antibody or antigen binding portion thereof is in a composition further comprising a pharmaceutically acceptable carrier, excipient, or stabilizer.

48. A method of ablating or killing cancerous cells comprising:  
providing an antibody or antigen binding portion thereof which, when contacted with an extracellular domain of prostate specific membrane antigen, binds to the extracellular domain of prostate specific membrane antigen; and  
contacting vascular endothelial cells proximate to the cancerous cells with the antibody or antigen binding portion thereof under conditions effective to permit both binding of the antibody or antigen binding portion thereof to the vascular endothelial cells proximate to the cancerous cells and ablating or killing of the cancerous cells.

49. A method according to claim 48, wherein the cancerous cells are renal cancerous cells, urothelial cancerous cells, colon cancerous cells, rectal cancerous cells, lung cancerous cells, breast cancerous cells, or cancerous cells of metastatic adenocarcinoma to the liver.

50. A method according to claim 48, wherein the antibody or antigen binding portion thereof, when contacted with an extracellular domain of prostate specific membrane antigen, is internalized with the prostate specific membrane antigen.

51. A method according to claim 48, wherein said contacting is carried out in a living mammal and comprises:

administering the antibody or antigen binding portion thereof to the mammal under conditions effective to permit both binding of the antibody or antigen binding portion thereof to vascular endothelial cells proximate to the cancerous cells and ablating or killing of the cancerous cells.

52. A method according to claim 51, wherein said administering is carried out orally, parenterally, subcutaneously, intravenously, intramuscularly, intraperitoneally, by intranasal instillation, by intracavitary or intravesical instillation, intraocularly, intraarterially, intralesionally, or by application to mucous membrane.

53. A method according to claim 48, wherein the antibody or antigen binding portion thereof is a monoclonal antibody selected from the group consisting of an E99, a J415, a J533, and a J591 monoclonal antibody.

54. A method according to claim 48, wherein the antibody or antigen binding portion thereof is produced by a hybridoma cell line having an ATCC Accession Number selected from the group consisting of HB-12101, HB-12109, HB-12127, and HB-12126.

55. A method according to claim 48, wherein the antigen binding portion is selected from the group consisting of an Fab fragment, an F(ab')<sub>2</sub> fragment, and an Fv fragment.

56. A method according to claim 48, wherein the antibody or antigen binding portion thereof is in a composition further comprising a physiologically acceptable carrier, excipient, or stabilizer.

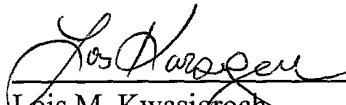
57. A method according to claim 48, wherein the antibody or antigen binding portion thereof is in a composition further comprising a pharmaceutically acceptable carrier, excipient, or stabilizer.

Respectfully submitted,

LYON & LYON LLP

Dated: August 13, 2001

By:

  
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**MARKED UP VERSION TO SHOW CHANGES MADE IN SPECIFICATION**

On page 1, the first paragraph beginning at line 3:

This application is a Continuation Application of Application Serial No. 09/357,708,  
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1997, which claims the benefit of U.S. Provisional Patent Application Serial No. 60/016,976, filed  
May 6, 1996; and [The present application claims the benefit of] U.S. Provisional Patent Application  
Serial No. 60/022,125, filed July 18, 1996, [, and is a continuation-in-part of U.S. Patent Application  
Serial No. 08/838,682, filed April 9, 1997, which claims the benefit of U.S. Provisional Patent  
Application Serial No. 60/016,976, filed May 6, 1996.]